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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,572	07/29/2003	Dean Robert Rosendahl	83871-202 ADB	4084
23529	7590	04/08/2005	EXAMINER	
ADE & COMPANY 1700-360 MAIN STREET WINNIPEG, MB R3C3Z3 CANADA			SELF, SHELLEY M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,572

Applicant(s)

ROSENDAHL, DEAN ROBERT

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 26-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-12 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 6-8, 13-19 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the invention of Group I (clms. 1-25) in the reply filed on January 19, 2005 is acknowledged.

Claims 26-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on January 19, 2005. Applicant's failure to positively set forth any traversal arguments renders the election an election without traverse.

This restriction requirement is made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claims 9 and 10, the claims state, "...clamped to the opposite side of the table..." the reference to opposite is relative and it is unclear. For example, opposite to what? Because a first or initial side has not been positively recited "opposite..." is not clear. Clarification is required.

Accordingly, art has not been applied to these claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brazell (5,611,378) in view of Rousseau (6,305,447). With regard to claims 1-3, 20 and 22, Brazell discloses a method of machining a work piece comprising providing a work piece; providing a router (18) having a bit rotated by a router motor; providing a surface/table (14) in contact with the work piece; causing relative translational movement between the work piece and the router bit so as to effect a cutting action on the work piece by the router bit as the bit rotates so as to cause waste material to be removed from the work piece; the surface being arranged such that the relative movement between the router bit and the work piece also causes relative sliding movement between the surface and the work piece; providing a suction duct having a suction opening; providing the suction opening (130, 132) at a location spaced from the bit so that the suction opening is separated from the bit; connecting a suction duct source (110) of suction to draw air and the waste material through the suction opening (132); and arranging the work piece and the surface so as to define a passage for the waste material from the bit to the suction opening (figs. 1,6,8). Examiner notes that because the router is fixed, i.e, mounted to the table via the mounting plate (20) the work piece must move relative to the router table surface. Brazell discloses the router to be mounted to the table (14) via mounting plate (20) wherein the

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mounting plate has a bit opening (134) and a suction opening (132) spaced from the bit opening.

Brazell does not disclose the suction duct having a suction opening at the surface.

It would have been obvious at the time of the invention to one having ordinary skill in the art to construct Brazell's multi-piece table (14) and mounting plate (20) into a single piece incorporating the table and mounting plate. Such construction of forming in one piece an article, which was formerly formed in two pieces and put together, involves only routine skill in the art. See *Howard v. Detroit Stove Works*, 150 U.S. 164.

Moreover Rousseau teachings in a similar art, a router mounted to a table wherein the table has a mounting plate constructed to be a middle portion of the table (figs. 2-4). Accordingly, because the references are from a similar art, it would have been obvious at the time of the invention to one having ordinary skill in the art to construct Brazell with the mounting plate (20) as a center portion of the table (14) for efficiently mounting the router to the table as taught by Rousseau.

With regard to claims 4 and 21, Brazell discloses an extension (132) and a suction opening (130).

With regard to claims 5 and 23, it would have been obvious at the time of the invention to construct either Brazell or Rousseau having an additional or second suction opening, because mere duplication of essential working parts of an invention in itself does not impart patentability and requires only routine skill in the art. See *St. Regis Paper Co. v. Bemis Co.*, 193, USPQ 8.

Allowable Subject Matter

Claims 6-8,13-19, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a second suction opening at right angles or suction opening or a suction opening located in the end plate and *wherein there is provided a duct formed in the end plate of the router which connects to the suction source and to the suction opening* in combination with the rest of the positively claimed limitations as set forth in claims 6,13 and 25.

Brazell teaches device for machining a work piece. Brazell discloses a router (18) mounted to a router table (14) having a surface upon which a work piece is slidably engaged. Brazell discloses the router mounted to the table via a mounting plate (20) wherein the mounting plate (20) has an opening for the router bit (134) and suction opening for removing debris/duct displaced from the bit opening (132; figs. 7,8), the mounting plate mounted to the underside of the table (fig.6). Brazell discloses the table (14) to have a slot or channel (128) located at a surface on the underside of the table (14) in communication with the mounting plate (20) opening (130, 132) to facilitate suction (110) of dust and debris away from the router bit. Brazell does not disclose a suction opening at the surface or work surface of the table (14) and instead teaches that the mounting table has an opening and the table having two surfaces, one engageable with the mounting plate (underside) and an opposite surface engageable with the work piece.

As noted above, Rousseau teaches a mounting plate and table being constructed such that the mounting plate and table surfaces are co-planar and together they provide a continuous surface upon which a work piece slidably engages for routing. Accordingly, because these references are analogous as evidenced by their concern with a similar problem, i.e., mounting a router to a table surface combination of the references is obvious to one having ordinary skill in the art. However, neither Brazell nor Rousseau disclose or fairly suggest an end plate wherein the suction opening is located in the end plate and *wherein there is provided a duct formed in the end plate of the router, which connects to the suction source and to the suction opening.* Therefore, the Brazell reference alone nor in combination with the prior art references of record fails to anticipate or render obvious the claimed invention.

Accordingly, claims 6, 13 and 25 are deemed allowable over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

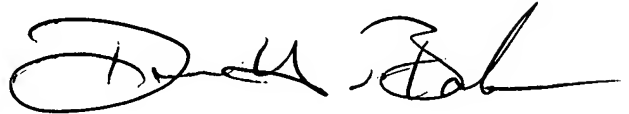
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

April 7, 2005



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